

# EXHIBIT D

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
UNITED STATES OF AMERICA, )  
ex rel, THERESA HILL, )  
)  
Plaintiffs, )  
) No. 2008 CV 4540  
vs. )  
)  
CITY OF CHICAGO, )  
)  
Defendant. )

The deposition of TORRICK WARD, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Christine Bechtold, at 20 South Clark Street, Chicago, Illinois, on the 9th day of May, 2013, at the hour of 9 o'clock a.m.

Reporter Name: Christine Bechtold  
License No: 084-003575

1 EXAMINATION  
2 Witness Page Line  
3 TORRICK WARD  
4 By Mr. Baker 4 17  
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1 APPEARANCES:

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Representing the Defendant, Torrick  
Ward.

1 (Witness sworn.)  
2 MR. BAKER: Mr. Ward, you were deposed in  
3 sort of a -- call it a companion case kind of thing.  
4 You know the ground rules. You're an attorney. So  
5 I'm not going to go through the ground rules with you  
6 because I take it you understand how a deposition  
7 works, okay.

8 I just want to state for the record that this  
9 is a deposition of Mr. Torrick Ward taken pursuant to  
10 the local rules of the Northern District of Illinois  
11 and by agreement of the parties.

12 WHEREUPON:

13 TORRICK WARD,  
14 called as a witness herein, having been first duly  
15 sworn, was examined and testified as follows:

16 D I R E C T E X A M I N A T I O N  
17 BY MR. BAKER:

18 Q. Can you just state and spell your full name  
19 for the court reporter?

20 A. My name is Torrick, T-o-r-r-i-c-k, Alan,  
21 A-l-a-n, Ward, W-a-r-d.

22 Q. Prior to the deposition beginning today, did  
23 you review any documents to get ready for the dep?

24 A. Yes.

1 Q. Do you recall what documents you looked at?

2 A. Yes. They were some documents from the -- I  
3 believe it was an EEO short form, some certifications,  
4 an e-mail. I can't recall anything else. Perhaps  
5 some meeting notes.

6 MR. BAKER: Do you know if he reviewed  
7 meeting minutes?

8 MR. PUGH: Yes.

9 MR. BAKER: Do you have a copy of those  
10 meeting minutes?

11 MR. PUGH: We can get a copy of the meeting  
12 minutes.

13 MR. BAKER: Just because if he looked -- I  
14 just want to see and ask him about what he looked at.  
15 Is that something we can do?

16 MR. CAVES: Can we go off the record?

17 (Whereupon, a discussion was had  
18 off the record.)

19 BY MR. BAKER:

20 Q. Outside of the documents that you told me  
21 about, have you reviewed any additional documents?

22 A. No.

23 Q. I just want to briefly go back over your  
24 employment history with the City.

1 correct?

2 A. Correct.

3 Q. When you were in the office of compliance,  
4 was your commissioner Anthony Boswell the whole time  
5 you were in compliance?

6 A. Yes.

7 Q. Did you ever work for Commissioner King in  
8 any capacity?

9 A. No.

10 Q. While you were in compliance, was  
11 Commissioner King in charge of human resources, or was  
12 it a different commissioner?

13 A. When I was in compliance, there were several  
14 commissioners in human resources. I'm not sure if  
15 Commissioner King was one of them. I don't recall.

16 Q. Have you ever seen the Complaint in this  
17 case?

18 A. I would be guessing, but I think so.

19 Q. I think the gist of our allegations is that  
20 the City didn't have a functioning or implemented  
21 EEO/AA plan for a time period.

22 Are you aware whether or not at any time  
23 while you were employed with the City that the City  
24 did not have an implemented or functioning EEO/AA

1 Can you tell me when you started with the  
2 City?

3 A. In September of 1998. Well, I worked there  
4 as a law clerk in the summer of -- I think it was '96  
5 or '97 as a law clerk, and then I continued as a law  
6 clerk. Then during the fall of my third year of law  
7 school, I started as an assistant corporation counsel  
8 in September of 1998. I held that title until about  
9 2004 when I was promoted to senior counsel.

10 I held that title until I transferred into  
11 the compliance division of the law department, where  
12 even though my title hadn't changed in the system I  
13 was called the compliance attorney. I held that title  
14 until I moved to the new office of compliance where I  
15 originally held the title of attorney, then senior  
16 compliance officer, then deputy director. I left the  
17 City in the title of deputy director.

18 Q. When did you start in compliance?

19 A. When you say compliance, do you --

20 Q. OCX.

21 A. That would have been when the department  
22 started which, if I recall correctly, was January  
23 of 2008.

24 Q. Currently, you're in private practice,

1 plan?

2 MS. BECKER: Object to the form of the  
3 question and foundation of the question, and to the  
4 extent Mr. Ward's answer would get into  
5 attorney/client privileged communication.

6 MR. PUGH: I join in that objection. I would  
7 also raise the fact that you said the words  
8 implemented and some other terms that are ambiguous,  
9 and to the extent that answering the question would  
10 require Mr. Ward to divulge attorney/client  
11 communications, I instruct him not to answer to the  
12 extent that answering would violate that.

13 MR. BAKER: I'm not asking for any  
14 communications between you and anyone at the law  
15 department, but I believe that he would be able to  
16 answer whether or not he was aware the City had a  
17 functioning plan.

18 MR. PUGH: Given my objections to the form  
19 and also the use of certain unclear words, if he  
20 understands, he can answer.

21 THE WITNESS: Mr. Baker, could you explain  
22 what you mean by "functioning?"

23 BY MR. BAKER:

24 Q. I'll take out functioning, an implemented

1 EEO/AA plan?

2 You understand the EEO/AA plan, correct?

3 A. When you say EEO/AA plan, are you referring  
4 to Equal Employment Opportunity/Affirmative Action  
5 Plan?

6 Q. Yes, sir.

7 A. And when you say implemented -- I'm really  
8 not trying to fight with you. I'm trying to  
9 understand what you mean when you say implement.

10 Q. I'll give a preface.

11 A. Okay.

12 Q. I'll represent to you that through the course  
13 of discovery in this case that I have received copies  
14 of what appears to be an Affirmative Action Equal  
15 Employment Opportunity plan on paper. It lays out  
16 certain things.

17 What I want to know is, was it actually put  
18 into effect? Was it implemented?

19 Rather than just sort of printing it out and  
20 letting it sit wherever it would sit over at City  
21 Hall, did they actually put it into use?

22 Do you understand what I'm talking about now?

23 MS. BECKER: Some objections. Objection to  
24 the form of the question, and the foundation of the

1 what you say.

2 You said implemented EEO plan, and I just  
3 don't understand how to do that. Really, I'm sorry.  
4 I don't understand how to do that without knowing what  
5 I know about the subject matter.

6 BY MR. BAKER:

7 Q. Is it fair to say that there were times when  
8 you were asked to -- let me back up.

9 Do you understand what I'm talking about when  
10 I say certifications? Earlier you mentioned that you  
11 saw certifications.

12 A. Certifications for what?

13 Q. There were certifications that the City had  
14 an EEO/AA plan that complied with certain federal  
15 rules and laws and regulations.

16 A. I did review such documents.

17 Q. The documents that you reviewed, did they  
18 have -- they had your signature on them, correct? You  
19 signed and dated those certifications.

20 A. Yes. They also had Dave Boswell's signature.

21 Q. There were a few that might have had  
22 Mr. Boswell's signature.

23 I'm not aware of any -- correct me if I'm  
24 wrong -- where you both signed the same certification.

1 question.

2 And to the extent his answer may get into his  
3 legal analysis within his capacity as an attorney, I'd  
4 also object to be that as work product and potentially  
5 attorney/client privilege.

6 MR. PUGH: Join the same and instruct witness  
7 as stated.

8 THE WITNESS: I hope you can understand my  
9 struggle here. I'm trying to segment portions of  
10 knowledge.

11 For the time period where I was not acting as  
12 an attorney for the City -- and this is -- and frankly  
13 I'm basing this on a not factual knowledge but a legal  
14 analysis which I don't think is proper, but I'm just  
15 going to answer anyway.

16 MR. PUGH: Wait. Wait.

17 THE WITNESS: Should I or shouldn't I?

18 MR. PUGH: If you're talking about your legal  
19 analysis, I would instruct you not to answer.

20 MS. BECKER: The City hasn't waived its  
21 privilege with respect to your legal analysis.

22 THE WITNESS: Just to make sure it's clear  
23 why I'm saying that. I'm not sure I can segment in my  
24 mind the facts, the facts from a legal analysis of

1 It was either you or Mr. Boswell, correct?

2 A. Correct.

3 Q. That would be for the time period that you  
4 were in the office of compliance, correct?

5 A. Yes.

6 Q. You were not in the law department acting as  
7 an attorney in compliance, correct?

8 A. No.

9 Q. When you signed off on those certifications,  
10 what did you do so that you knew the City was in  
11 compliance with what was being certified in that  
12 certification?

13 MR. PUGH: I think you're running into the  
14 same problem you had before.

15 Inasmuch as your answer would require you to  
16 divulge attorney/client communications, I would strict  
17 you not to answer.

18 And I'll object to the form of the question  
19 as well.

20 MS. BECKER: The City joins in those  
21 objections.

22 THE WITNESS: Segmenting out any legal  
23 analysis or any privilege issues, the only thing I can  
24 say is I knew that we had an EEOP in place.

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1 BY MR. BAKER:

2 Q. How do you know that?

3 A. I looked at it.

4 Q. So you looked at the physical plan. Remember  
5 in my preface before I talked about how I obtained  
6 printed plans, okay.

7 So you looked at the copy of a plan or the  
8 plan, is that it?

9 A. There was other things that I did, but I  
10 cannot divulge what I did. There's other things I  
11 knew that I can't divulge what I knew, if that makes  
12 any sense.

13 Q. Actually, it doesn't, but I'll see if I can  
14 flush it out.

15 MR. BAKER: It's getting to be a long dep.

16 MR. PUGH: I understand that you guys have  
17 attorney/client privilege issues.

18 BY MR. BAKER:

19 Q. Did you ever follow up with any department  
20 heads to find out whether or not the plan was being  
21 implemented in any other departments?

22 MR. PUGH: Again, we object, foundation and  
23 form.

24 And then also to the extent that your answer

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1 BY MR. BAKER:

2 Q. The timeframe I'm dealing with is the  
3 timeframe that you signed those certifications. You  
4 mentioned to me that you were acting in office of  
5 compliance, correct?

6 A. Yes.

7 Q. You were deputy director of compliance for a  
8 period of time, correct?

9 A. Yes.

10 Q. So during that timeframe as deputy  
11 director -- because I've seen, you know, what I  
12 believe to be your signature and it indicates that you  
13 were deputy director -- did you ever contact other  
14 department heads to find out whether or not they were  
15 putting the plan into effect?

16 MS. BECKER: Object to the form of the  
17 question.

18 MR. PUGH: Same. Join the objection. We're  
19 just going to make a continuing instruction with  
20 regards to attorney/client privilege.

21 THE WITNESS: When say "the plan," what are  
22 you referring to?

23 BY MR. BAKER:

24 Q. You mentioned to me in your answer that

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1 requires you to divulge attorney/client  
2 communications, I instruct you not to answer.

3 MS. BECKER: City joins in those objections.

4 THE WITNESS: As phrased, I don't think I can  
5 answer.

6 BY MR. BAKER:

7 Q. So if you called up a commissioner, for  
8 instance, in a different department and asked them if  
9 they were implementing the plan, it's your  
10 understanding that that would be legally privileged?

11 MR. PUGH: That's a legal question for the  
12 witness, and really what you're asking is what would  
13 the parties say, would the parties find that to be  
14 privileged. I think that that's already been gone  
15 over a little bit in this case.

16 MS. BECKER: I think the problem is we're  
17 dealing with a hypothetical. So I object to the form  
18 of the question to that extent. He can't speak to  
19 whether it's an attorney/client privileged  
20 communication until we establish a timeframe and who  
21 he contacted, what department he contacted, what  
22 capacity he was acting in when he contacted that  
23 individual, and then what was discussed.

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1 before you certified, you looked at a plan, correct?

2 A. I looked at an EEOP.

3 Q. When you say "EEOP," what are you talking  
4 about?

5 A. I looked at the City's filed EEOP short form.

6 Q. Where did you get that?

7 A. I had a copy in my office.

8 Q. Do you know who provided it to you?

9 A. There were -- the first one, the answer is  
10 yes, but I can't tell you who because it is  
11 privileged. It's clearly privileged, where I got the  
12 first one.

13 Q. I don't know that the individual that you  
14 obtained something from would be privileged. The  
15 communication would be privileged.

16 For instance, if you said Amy Kovalan gave it  
17 to you or the mayor gave it to you, I don't understand  
18 how an individual providing it to you would be  
19 privileged.

20 Just like before the deposition I asked you  
21 if you looked at any documents. I'm assuming that  
22 your attorneys gave you the documents. That wouldn't  
23 be privileged.

24 MR. PUGH: What's the City's position on

1 that?

2 Does the City have a position?

3 MS. BECKER: When it comes to handling a  
4 document, I think it depends on the context and was  
5 there -- I mean, are you saying --

6 MR. BAKER: I'm just asking him who gave him  
7 the document or who he got the document from.

8 MS. BECKER: I think that's fine.

9 THE WITNESS: I got the document partially  
10 from myself, because I authored part of it, and I  
11 received the rest from an accounting firm that helped  
12 us create it.

13 BY MR. BAKER:

14 Q. What time period are we talking about?

15 A. This would have been prior to 2008.

16 Q. So prior to 2008, you yourself played a role  
17 in creating the EEOP short form that you're talking  
18 about?

19 A. Yes.

20 Q. And also an outside firm?

21 A. An outside accounting firm, yes.

22 Q. Do you recall the name of the outside  
23 accounting firm?

24 A. Actually, I don't.

1 Q. After you created portions and the outside  
2 accounting firm did their work and you certified the  
3 short form, did you ever check with other City  
4 departments whether or not they were implementing the  
5 work you had done?

6 MS. BECKER: Object based upon the  
7 attorney/client privilege, and form of the question to  
8 the extent that it's vague and to the extent it  
9 requires him to divulge attorney/client privileged  
10 communications.

11 MR. PUGH: Same objection applies here.

12 THE WITNESS: Because the creation of the  
13 original EEOP was done in my capacity as an attorney,  
14 I do not believe, even when I was in compliance, I  
15 could answer that question properly.

16 BY MR. BAKER:

17 Q. I'm not asking you about what your legal  
18 analysis was when you created the plan. I'm just  
19 asking, for instance, if you called up streets and san  
20 and said, do you have my short form and are you  
21 following the directions in the short form?

22 MR. PUGH: That's clearly the core of the  
23 privilege.

24 MS. BECKER: Not only privilege, but I'm

1 going to object to the foundation of the question and  
2 that it's a hypothetical question.

3 MR. PUGH: Sean, you're asking whether he  
4 called a client and asked if the client was taking his  
5 advice as a lawyer.

6 MR. BAKER: No, he's not acting as a lawyer.  
7 He's deputy director of compliance.

8 MR. PUGH: He testified that he drafted the  
9 form as a lawyer for the City.

10 MR. BAKER: Right, but he's also deputy  
11 director. He's wearing two hats. So if he's acting  
12 in compliance and asking if people are complying with  
13 the work that he's done, that's way different than if  
14 somebody's calling him for legal advice and asking him  
15 for legal advice.

16 MR. PUGH: We would have to take that up  
17 really, because that is the core of the privilege.

18 The fact is that if you tell one of your  
19 clients today, I advised to do X, right --

20 MR. BAKER: I'm not asking for his advice.  
21 I'm asking if he asked them if they are complying with  
22 the EEOP plan.

23 MR. PUGH: You're asking him if his clients  
24 followed his advice, if they informed him that they

1 were following his advice. Every day, all day that is  
2 clearly privileged, unless, for some reason, the  
3 entity was waived the privilege.

4 MR. BAKER: I disagree. I guess we'll have  
5 to call Judge Pallmeyer.

6 MR. PUGH: That's a clear compliance  
7 question.

8 MR. BAKER: Off the record.

9 (Whereupon a short break was taken,  
10 after which the following  
11 proceedings were had:)

12 (Whereupon, Ward Deposition Exhibit  
13 No. 1 was marked for  
14 identification.)

15 BY MR. BAKER:

16 Q. Go ahead and look through that for me,  
17 Mr. Ward.

18 A. All right.

19 Q. You've had an opportunity to look at  
20 Deposition Exhibit Number 1, correct?

21 A. Yes.

22 Q. The top sheet is clearly a communication  
23 between counsel for the City and myself, and it  
24 encloses the attachments behind it, correct?



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1 A. Yes, I believe so.

2 Q. The document behind it, at the top it says,  
3 EEOP short form, correct?

4 A. Yes.

5 Q. These documents are all Bates stamped in the  
6 lower right-hand corner, correct?

7 A. Yes.

8 Q. This EEOP short form, is this the document  
9 that you helped create with the outside accounting  
10 firm?

11 A. Yes.

12 Q. At the back of this document, the last page,  
13 it bears your signature; is that fair?

14 A. Yes.

15 Q. When you signed that, it was your intent that  
16 you were indicating that the City was in compliance  
17 with the certification above it?

18 MR. PUGH: Objection, foundation, and also  
19 form of the question. I understood, just through  
20 leafing through this, there's more than one EEOP short  
21 form. And, in fact, there's more than one  
22 certification.

23 If you're asking for whether his  
24 certification counts for the document as a whole,

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1 MR. PUGH: Also, ambiguous.

2 THE WITNESS: For who?

3 BY MR. BAKER:

4 Q. For the City.

5 A. As a whole?

6 Q. Yes.

7 MR. PUGH: Same objection.

8 MS. BECKER: Same objections.

9 THE WITNESS: Not entirely, no.

10 BY MR. BAKER:

11 Q. When you say, "not entirely," what do you  
12 mean?

13 A. There were other departments who signed off  
14 on EEOPs.

15 Q. Would police be one?

16 A. Yes.

17 Q. Do you know of other departments that would  
18 have this ability outside of compliance in the police  
19 department?

20 MR. PUGH: Objection to foundation and form.

21 BY MR. BAKER:

22 Q. In 2010?

23 A. I don't know.

24 Q. As you sit here now, you are aware of

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1 meaning all of this exhibit, I'm not sure that we can  
2 say that this exhibit is composed of just one  
3 document.

4 MR. BAKER: I'm just asking what his intent  
5 was when he signed the certification.

6 MS. BECKER: I'm going to object to the  
7 extent his intent would go into work product as  
8 attorney for the City.

9 BY MR. BAKER:

10 Q. When you signed this you dated it, right?

11 A. Yes.

12 Q. At that time in 2010, were you deputy  
13 director of compliance?

14 A. Yes.

15 Q. You weren't in the City's law department,  
16 correct?

17 A. No.

18 Q. When you signed this, I mean, you were  
19 signing as deputy director of compliance, correct?

20 A. Yes.

21 Q. At this time in 2010, was it the role of  
22 compliance to sign off on EEOP certifications?

23 MS. BECKER: Object to the foundation of the  
24 question.

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1 compliance's role and the police department's ability  
2 to sign off on EEOP form certifications, correct?

3 MS. BECKER: Object to the form of the  
4 question. It's vague.

5 MR. PUGH: Same.

6 THE WITNESS: If you say EEOP form  
7 certifications, do you mean the certification that's  
8 City 519, or do you mean the certifications that  
9 accompany grants?

10 BY MR. BAKER:

11 Q. Let me ask you this. Your Exhibit 1, is  
12 that -- which one is it for?

13 A. The certification --

14 MR. PUGH: Wait.

15 MR. BAKER: He mentioned two types. I want  
16 to know which this falls under.

17 MR. PUGH: Same objection that I made  
18 previously. If you're referring to the exhibit as a  
19 whole, part of which Anthony Boswell certified, then  
20 this lacks specificity. There's a problem with the  
21 foundation.

22 BY MR. BAKER:

23 Q. Is there any part that's missing from this  
24 short form?

1 MS. BECKER: I think, Sean, just to clarify  
2 what we're doing, there appear to be two separate  
3 short forms in this stack. There's 499 through 508,  
4 and then there's 509 through 519.

5 There's two separate ones, and they have  
6 different dates on them. The one at 499 is  
7 January 2008 through December 2009, and 599 -- I'm  
8 sorry, 509 we have January 2010 to December 2011.

9 BY MR. BAKER:

10 Q. Do we have two short forms in your exhibit?

11 A. Yes.

12 Q. Which one did you sign off on?

13 A. The short form that ends at City 519.

14 Q. Does it begin at 509?

15 A. Yes.

16 Q. From 509 to 519, is there anything missing?

17 MS. BECKER: Objection to the form of the  
18 question.

19 MR. PUGH: Join the objection.

20 THE WITNESS: I don't recall.

21 BY MR. BAKER:

22 Q. As you sit here now, does it look complete to  
23 you?

24 MR. PUGH: Same objection.

1 A. Yes.

2 Q. Where did that information come from?

3 MS. BECKER: Objection, form, and foundation  
4 of the question.

5 MR. PUGH: Join the objections. You can  
6 answer if you know.

7 THE WITNESS: I don't recall specifically  
8 where we got the information from. I'm not sure what  
9 information fed into it is what I'm saying.

10 BY MR. BAKER:

11 Q. Let's go to Page 511, Step 3, City of Chicago  
12 Community Labor Statistics.

13 A. Yes.

14 Q. Do you know where that information came from?

15 MS. BECKER: Same objections.

16 MR. PUGH: Join those objections.

17 THE WITNESS: To the best of my recollection,  
18 this is a document prepared by, I think, the  
19 Department of Labor, but I'm not sure about that.

20 BY MR. BAKER:

21 Q. With respect to Page 510, would that be  
22 prepared by the Department of Labor as well?

23 A. 510, I don't believe so.

24 Q. Let's go to 512. 512 at the top says, Step

1 THE WITNESS: I don't recall. I honestly  
2 don't recall all the information that was supposed to  
3 be attached to these. I don't know. I don't know.

4 BY MR. BAKER:

5 Q. The short form that goes from 509 to 519, was  
6 that for a grant, or was that for a different -- you  
7 mentioned there were two types.

8 What were the two types that you mentioned  
9 again?

10 A. The certifications that you have in front of  
11 me, the two, they are certifying the EEOP short form,  
12 but there is another document that is a certification  
13 that is sent attached to an individual grant.

14 Q. What's your understanding of the purpose of a  
15 short form?

16 MS. BECKER: Objection, foundation.

17 MR. PUGH: Join.

18 THE WITNESS: It is a form required by the  
19 Safe Streets Act as a condition of receiving certain  
20 federal grants.

21 BY MR. BAKER:

22 Q. Those grants are for?

23 A. I don't recall exactly.

24 Q. The information that's on Page 510, Step 2.

1 Utilization Analysis.

2 Do you know where that information came from?

3 MS. BECKER: Same objections.

4 MR. PUGH: Join those objections.

5 THE WITNESS: I don't recall where.

6 BY MR. BAKER:

7 Q. Did you take any action to confirm whether or  
8 not the information on 510, 511, or 512 was complete  
9 or accurate?

10 MS. BECKER: Object to the extent his answer  
11 would divulge into either attorney/client privileges  
12 communications, or his analysis, which would be work  
13 product of the City.

14 MR. PUGH: Instruct the witness accordingly  
15 with respect to attorney/client privilege.

16 THE WITNESS: Would you repeat the question,  
17 please?

18 MR. BAKER: Would you mind reading that back,  
19 please.

20 (The previous question was read.)

21 MS. BECKER: Same objection.

22 MR. PUGH: Same objection. Same instruction.

23 THE WITNESS: Based on my client's  
24 representation, I'm going to decline to answer.



1 BY MR. BAKER:

2 Q. Let's go to Page 513.

3 A. Yes, sir.

4 Q. 513, Step 4B indicates Utilization Narrative.  
5 Did you draft the Utilization Narrative?

6 A. I don't recall.

7 Q. If you didn't draft the Utilization  
8 Narrative, who would have?

9 MR. PUGH: Foundation objection, also form.

10 MS. BECKER: Same objections.

11 MR. PUGH: Standing instruction with respect  
12 to attorney/client privilege. You understand that?

13 THE WITNESS: Sure. There are a number -- I  
14 won't say a whole lot, but there were -- how do I  
15 answer this?

16 Your question is, if I did not draft this,  
17 who would have?

18 BY MR. BAKER:

19 Q. Yes.

20 MR. PUGH: You're not asking him to guess.

21 THE WITNESS: Clearly apart from the  
22 privilege, I just don't remember.

23 BY MR. BAKER:

24 Q. You not telling me that the information on

1 communication the client.

2 Q. So you did have a communication with someone  
3 to verify whether or not this information was correct?

4 MR. PUGH: Same instruction, again, to verify  
5 whether the information was correct.

6 If you stopped at, so you did have a  
7 conversation with the client, perhaps that would not  
8 fall under the privilege, but to verify goes into the  
9 actual substance of the communication.

10 MS. BECKER: City joins in those objections.

11 THE WITNESS: Based on the City's objection,  
12 I decline to answer.

13 BY MR. BAKER:

14 Q. Do you have any reason to doubt that the  
15 information on this page is not true and accurate?

16 A. I don't recall. I don't recall if it's  
17 accurate or not.

18 Q. Let's go to Page 514, Step 5, Objectives.

19 Did you draft this page?

20 A. I don't recall, but I think so.

21 Q. What is it that makes you think so?

22 A. Best answer I can give you is it reads to me  
23 like something I would have wrote.

24 Q. Stylistics come back to sort of make you feel

1 this page is privileged, right, that I can't look at  
2 it now, right?

3 A. No, I'm saying I don't remember who would  
4 have done it.

5 Q. I just want to make sure that, you know --

6 A. I'm just saying I don't remember. I don't  
7 remember who did it or who would have done it.

8 Q. Can you tell me what steps you took, if any,  
9 to verify whether or not the information on Page 513  
10 was accurate?

11 MS. BECKER: Objection with respect to  
12 attorney/client privilege and attorney work product to  
13 the extent those things would be gone into.

14 MR. PUGH: Same instruction regarding  
15 privilege.

16 THE WITNESS: This one, I will decline to  
17 answer based on the privilege.

18 BY MR. BAKER:

19 Q. Can you tell me how in any way that this  
20 information on this page is privileged, since I'm  
21 looking at?

22 A. That's not the question you asked me. You  
23 asked me did I -- I believe who I talked to or how did  
24 I check the information on this, and that was with the

1 like you would have drafted this?

2 A. That, and I'm trying to go back these three  
3 years in my memory. And my memory isn't perfect. I  
4 apologize.

5 MR. PUGH: You don't need to apologize he's  
6 not asking you to guess either.

7 THE WITNESS: I understand.

8 BY MR. BAKER:

9 Q. In the Objectives portion it says that the  
10 utilization study identified several areas of concern.

11 The study that it's referring to, are those  
12 the preceding pages, or is that something different?

13 A. Those are the proceeding pages.

14 Q. The statistics that we saw on Pages 510  
15 through 512?

16 A. Yes, sir.

17 Q. On Page 513, the Utilization Narrative, is  
18 that a narrative of those pages, 510 through 512?

19 MS. BECKER: Objection, foundation of the  
20 question.

21 MR. PUGH: Objection, vague.

22 THE WITNESS: To the extent I understand your  
23 question, Utilization Narrative is a narrative of  
24 Step 4A, City 512.

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1 BY MR. BAKER:

2 Q. So the narrative is only based on the  
3 information on Page 512?

4 MS. BECKER: Objection, form, foundation.

5 MR. PUGH: Same.

6 THE WITNESS: Is It based on the information  
7 on 512. It is a narrative of 512, but 512 is based on  
8 the preceding pages, preceding two pages.

9 BY MR. BAKER:

10 Q. So is it fair to say that 513 incorporates  
11 information from 510 to 512?

12 MS. BECKER: I would just like to object and  
13 caution the witness that we may be getting close to  
14 his legal analysis in preparing the document and to  
15 the attorney work product of the City.

16 MR. PUGH: Join those objections.

17 THE WITNESS: I'm going to listen to my  
18 client on that one. They don't want me to answer, I'm  
19 not sure if I can go any further with that.

20 BY MR. BAKER:

21 Q. 513, there's no privileged information in  
22 there, correct?

23 A. When you say privileged --

24 Q. Is there attorney/client communication on

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1 about 513.

2 THE WITNESS: I'm sorry. What's the  
3 question?

4 MR. BAKER: I don't know. Let me see if I  
5 can get you something that you can answer.

6 BY MR. BAKER:

7 Q. I think my question was, was there any  
8 attorney/client information on 513?

9 A. You --

10 MR. PUGH: Is the question, is 513 an  
11 attorney/client communication? Is that the question?

12 MR. BAKER: Is there any information on there  
13 that's privileged.

14 MR. PUGH: The only reason why -- I object,  
15 first of all, because the question is unclear, and it  
16 does seem to potentially border on privilege if by  
17 your question you mean was this information conveyed  
18 to a client and was there a discussion about it.

19 MR. BAKER: That's not what I'm asking at  
20 all. I think it's kind of clear.

21 All I want to know is, if he's putting Legos  
22 together, okay, this is the big Lego at the end, the  
23 big Lego house, did he use the little bricks from this  
24 page and from this page and from this page to put the

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1 513, Bates Stamp 512?

2 A. I don't believe so.

3 Q. So the information that is in a narrative,  
4 that's sort of been boiled down into a narrative, came  
5 from Pages 510 to 512?

6 MS. BECKER: Just so my objection is clear.  
7 I don't think we're -- the City isn't saying that the  
8 content or the information on 513 is privileged  
9 information.

10 I think your question goes into what  
11 information was used or analyzed to prepare 514, and  
12 that's where it borders on the attorney work product  
13 and his legal analysis.

14 MR. BAKER: Did you mean to say 513?

15 MS. BECKER: No.

16 MR. BAKER: Because I'm asking about 513.

17 MS. BECKER: Right. I thought he testified  
18 he didn't know where this information came from.

19 MR. BAKER: He sort of said in baby steps --  
20 I'm just kind of paraphrasing -- that information came  
21 from 512, and the information on 512 came from 510 and  
22 511.

23 MS. BECKER: Then 513 and 514.

24 MR. BAKER: At this point, I'm just asking

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1 little Lego house together on 513. That's what I'm  
2 asking him. I don't think that's privileged.

3 MR. PUGH: Why are you asking then if there  
4 is anything that's privileged on this page?

5 MR. BAKER: Because you guys are maintaining  
6 an attorney/client objection telling him not to answer  
7 the questions that I've asked, and I think the  
8 questions that I've asked are way outside of  
9 attorney/client privilege.

10 MR. PUGH: Some of your questions have been  
11 appropriate and we have not objected and he's  
12 answered. Others of your questions have been  
13 inappropriate and were protected by the  
14 attorney/client privilege. I know the Court has gone  
15 around the bend on this issue quite a bit.

16 To the extent that you're asking him did he  
17 convey this information to a client --

18 MR. BAKER: That's not what I asked at all.  
19 Can we go back and read it?

20 (The previous question was read.)

21 MS. BECKER: I can answer that on behalf of  
22 the City.

23 MR. PUGH: This is a question of whether  
24 there was anything privileged on this page. You asked

1 that.

2 MR. BAKER: I did.

3 MR. PUGH: What I'm telling you is that your  
4 question is unclear. If your question is, is there  
5 something about this page that potentially falls under  
6 privilege, I'm telling you there's a circumstance  
7 under which it would clearly be privileged. That  
8 would exist if he's calling a client to talk about  
9 this page.

10 MR. BAKER: I haven't asked him that. I  
11 asked him if this information from 510 to 512 --

12 MR. PUGH: If you're striking your question,  
13 then I don't have an objection.

14 If you're maintaining your question about  
15 whether there's anything about this page that's  
16 privileged, I'm maintaining the objection and  
17 instruction.

18 MR. BAKER: I'm assuming that if this was  
19 privileged, 513, I wouldn't be able to flip through it  
20 and look at it. Call me crazy but --

21 MS. BECKER: I guess to that point, he lacks  
22 the foundation to testify as to what the City has  
23 asserted as privileged or not.

24 It's the City's document, and so it's not the

1 could be work product privilege. The City will object  
2 on that ground.

3 BY MR. BAKER:

4 Q. You're not going to answer?

5 A. Give me a second, please. I mean -- I  
6 apologize. I'm getting confused.

7 Are you asking me is the information from 513  
8 based on 512?

9 Q. 512, 510, 511. I just want to know where  
10 this information came from.

11 A. The Utilization Narrative is a narrative  
12 version of the Utilization Analysis.

13 Q. Which is 4A, correct?

14 A. Correct.

15 Q. The information in 4A came from the  
16 information that's in 510 on Bates Page 510 and Bates  
17 Page 511, correct?

18 A. That is where that information is pulled  
19 from, yes.

20 Q. And correct me if I'm wrong, but I believe  
21 you said you did not recall whether or not you drafted  
22 Step 4B on Page 513.

23 A. I do not recall.

24 Q. It may be, but you don't recall?

1 City's position that the document itself is an  
2 attorney/client privileged document.

3 If you're asking 510 through 512, if he  
4 pulled together that information to create another  
5 page, that is potentially attorney work product, the  
6 City's attorney work product, which is where the City  
7 cautions the witness. To the extent that would be his  
8 answer or he would be divulging his analysis to create  
9 512 or 513, that is privileged. But the actual words  
10 on the piece of paper are not privileged.

11 BY MR. BAKER:

12 Q. Mr. Ward, if you could go to 513.

13 A. Yes, sir. I'm there.

14 Q. It says, "After reviewing the results of the  
15 Utilization Analysis in 4A..."

16 Is it fair to say that you looked at the  
17 analysis on 4A before you identified the information  
18 that's contained in official administrators,  
19 professionals, technicians, protected service,  
20 protected service as non-sworn, administrative  
21 support, and service and maintenance?

22 MS. BECKER: To the extent Mr. Ward prepared  
23 this document as an attorney, the steps that he took  
24 to put this information into the document potentially

1 A. I don't recall.

2 Q. Let's go to Page 515, please.

3 Do you recall whether or not you drafted  
4 Page 515?

5 MR. PUGH: Asked and answered, but you can  
6 answer it.

7 MR. BAKER: I don't think I got to 515.

8 THE WITNESS: I think I did.

9 BY MR. BAKER:

10 Q. You think you did draft this?

11 A. Yes.

12 Q. The same reason being it looks like your  
13 language or style of writing?

14 A. No. I believe I drafted this. It's not just  
15 because of the style of writing.

16 Q. What gives that you that belief as you sit  
17 here now three years later?

18 A. It's just to the best of my recollection.

19 Q. The information that's in there, you believe  
20 that to be true and correct?

21 MS. BECKER: Object to the foundation of the  
22 question and the form.

23 MR. PUGH: Join the objection.

24 THE WITNESS: The information in 515 and 516,

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1 is that what --

2 BY MR. BAKER:

3 Q. You can go to 516.

4 A. Let me read it, please. I just have to add  
5 the caveat that I was only there until May, to the end  
6 of May of 2010. But for the time I was there, we did  
7 these things.

8 Q. I'm not asking you if you did them. I'm just  
9 asking you if the information that's on --

10 A. Yes, it is true.

11 Q. True and accurate?

12 A. Yes.

13 Q. Because as deputy director for the City of  
14 Chicago and the office of compliance, it wasn't your  
15 role to draft documents or certifications that had  
16 misleading or inaccurate information, correct?

17 MR. PUGH: Objection, vague and ambiguous  
18 question. Also asks the witness for a legal opinion  
19 on what part of his job covered the drafting of this  
20 document.

21 MR. BAKER: You want it hanging out there  
22 that he was able to draft misleading and inaccurate  
23 documents?

24 MR. PUGH: I don't know if anybody said that.

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1 MR. BAKER: I'd kind of want my client to  
2 say, yeah, it was my goal to be accurate and correct.

3 MR. PUGH: I want him to answer a question  
4 that's clear.

5 THE WITNESS: To the extent I understand your  
6 question, it was always my job to ensure that I was  
7 complying at all times with any law, ordinance,  
8 statute, of the United States, the State of Illinois,  
9 the City of Chicago, Cook County.

10 BY MR. BAKER:

11 Q. In doing that, the function was to be  
12 accurate and correct?

13 A. I'm standing with my answer.

14 Q. In complying with U.S. law, would there be  
15 any function as deputy director that would allow you  
16 to put down incorrect and inaccurate information into  
17 the documents that you created?

18 A. Mr. Baker, respectfully, I cannot answer that  
19 without giving you a legal analysis of what I did.  
20 There are some statutes that don't -- I mean, you  
21 know, there's questions of good faith, there's  
22 questions of how you -- and I can't stop being a  
23 lawyer in this conversation, because you're asking me  
24 a legal opinion. Was that my job? I don't know.

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1 MR. BAKER: That's basically what I'm asking  
2 him.

3 MR. PUGH: That's not what I heard. You can  
4 go back to the question.

5 BY MR. BAKER:

6 Q. As deputy director, was it your role to draft  
7 documents that had misleading or incorrect information  
8 in them?

9 A. That was not my job.

10 Q. It was your goal to be as accurate and  
11 correct as possible when you authored these documents,  
12 correct?

13 MR. PUGH: Objection, vague, ambiguous. What  
14 part of the job are you talking about?

15 MR. BAKER: I'm talking about when he was  
16 deputy director of compliance.

17 MR. PUGH: This is raised only because you  
18 made a distinction earlier between the deputy director  
19 role and the other functions.

20 MR. BAKER: I haven't asked him about his  
21 other functions. I think I've narrowed it down.  
22 We're talking about 2010 when he's deputy director  
23 when he's drafting this.

24 MR. PUGH: Okay.

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1 I mean, I can't say that as a factual basis.  
2 There's not a simple, factual answer for that  
3 question.

4 MR. PUGH: We'll also object to the question  
5 as argumentative.

6 THE WITNESS: I mean, to the extent that it  
7 was my job to follow the law, I followed the law.

8 BY MR. BAKER:

9 Q. But that wasn't my question. My question  
10 didn't ask you if it was your job to follow the law.  
11 My question asked you if --

12 MR. BAKER: Can you read back my question  
13 where I asked if it was something along the lines of  
14 his goal to be complete and accurate.

15 (The previous question was read.)

16 MS. BECKER: Objection, asked and answered.

17 MR. PUGH: Same objections that were made to  
18 that question apply here.

19 THE WITNESS: It was always my goal to comply  
20 with every applicable law.

21 BY MR. BAKER:

22 Q. That's not my question.

23 A. That is the only answer I'm going to give.

24 Q. Let's go to 517.

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1 Did you author the information on 517?

2 A. I believe so, yes.

3 Q. As deputy director, did you yourself do the  
4 utilization analysis to find out whether or not -- for  
5 instance, like on Page 517 here, it says study of  
6 white female under utilization. When I read this, I  
7 take it somebody -- maybe it wasn't you, but somebody  
8 in compliance, a compliance officer or somebody, went  
9 out to try to determine how white females were being  
10 employed, whether they were over utilized, under  
11 utilized.

12 Is that something you did yourself as deputy  
13 director, or is that something that a different  
14 compliance officer, someone under you, would have  
15 done.

16 A. That would have been a larger project  
17 undertaken in consultation with department of human  
18 resources.

19 Q. So compliance would somehow cooperate with  
20 HR?

21 A. We would.

22 Q. You would cooperate with DHR somehow,  
23 correct?

24 A. Yes.

1 THE WITNESS: I'm not sure where all the  
2 information that made up -- I just don't recall as I  
3 sit here where all the information that is included in  
4 510 through 512 came from. But as you see on 512,  
5 that identifies the under utilization.

6 BY MR. BAKER:

7 Q. The outside consulting group, did they do any  
8 under utilization analysis?

9 MR. PUGH: Objection, vague.

10 MS. BECKER: I'm going to object to the  
11 foundation as to what they did as well.

12 THE WITNESS: I don't recall the scope of  
13 whether this was data compilation or analysis. I  
14 don't recall.

15 BY MR. BAKER:

16 Q. Outside of that outside consulting group,  
17 what department or departments at the City would be  
18 involved in gathering the information to put this  
19 under utilization information in 510 through 512  
20 together?

21 MS. BECKER: Objection, foundation.

22 THE WITNESS: The only department I know of  
23 would be the department of human resources. There may  
24 be other City departments.

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1 Q. You would determine the utilization of  
2 certain categories of individuals working for the  
3 City?

4 A. Specifically as to white female under  
5 utilization, as to Number 5, we would be specifically  
6 looking at why that under utilization existed.

7 Q. Who is it that would sit down and find out  
8 like, okay, we've got so many white females at the  
9 City, how are they employed, where are they employed,  
10 you know, how many hours are they working?

11 That would be a utilization analysis but  
12 boiled down, correct?

13 MS. BECKER: Object to the form of the  
14 question.

15 MR. PUGH: Same objection, timeframe.

16 THE WITNESS: It's more correct to say that  
17 this would be -- we know what their utilization would  
18 be. This was an attempt to find out why.

19 BY MR. BAKER:

20 Q. But the information to determine that there  
21 was an under utilization, who, like department-wise,  
22 OCX, DHR, who came up with that information?

23 MS. BECKER: Objection, form.

24 MR. PUGH: Same objection.

1 BY MR. BAKER:

2 Q. Let's go to Page 518.

3 Do you know if you authored Page 518?

4 A. I believe I did.

5 Q. Is that based on your recollection?

6 A. That's based on the best of my recollection.

7 Q. On Page 519 where it says, "I have reviewed  
8 the foregoing EEOP short form and certify the accuracy  
9 of the workforce data and our organization's  
10 employment policies," what steps did you take that  
11 allowed you to certify the accuracy of what's stated  
12 in that sentence?

13 MS. BECKER: I'm going to object to the  
14 extent the answer of the question will divulge  
15 attorney/client communications or his attorney work  
16 product.

17 MR. PUGH: Join the objection and instruct  
18 the witness accordingly.

19 THE WITNESS: What steps did I take to be  
20 satisfied that I could certify this is? Is that a  
21 fair paraphrase?

22 BY MR. BAKER:

23 Q. I guess that's a fair way to sort of  
24 paraphrase my question, yes.



1 A. To be honest, I don't remember what I did.  
2 It was a long time ago. I know I did. I just don't  
3 remember what I did.

4 Q. Do you remember any of what you did?

5 MS. BECKER: Same objections.

6 MR. PUGH: Join. Same instruction as well.

7 THE WITNESS: May I ask the City's counsel do  
8 they consider this work product?

9 MS. BECKER: I'm sorry?

10 THE WITNESS: Do they consider the answer to  
11 this question work product?

12 MS. BECKER: We may need to have a  
13 conversation outside so I know what your answer would  
14 be.

15 THE WITNESS: May I have a moment?

16 MR. BAKER: There's a question that's  
17 pending. They don't necessary have an objection, and  
18 you're asking them if they should make an objection.

19 MS. BECKER: I have an objection to the  
20 extent his answer would involve attorney/client  
21 privilege and attorney work product. And without  
22 knowing what his answer will be, I can't determine  
23 whether it, in fact, is attorney/client privilege or  
24 work product.

1 took before you signed off, correct?

2 A. Yes.

3 Q. Now, it talks about our organization's  
4 employment policies.

5 Our organization, that would be the City,  
6 correct?

7 A. Yes.

8 Q. And the employment policies that are referred  
9 to there, what employment policies are you talking  
10 about?

11 A. To answer that question I would be making  
12 reference to the federal regulations which I would  
13 have read before I signed that, and, honestly, I don't  
14 know if I can answer that question without giving a  
15 legal opinion about whether -- about how I analyzed  
16 the problem.

17 Q. I'm not focused on any problem analysis  
18 because it doesn't -- I mean, there's no mention of  
19 problem analysis in the certification.

20 A. No, there is --

21 Q. It says you reviewed the short form, so we  
22 have that as a step. Another step is you certified  
23 the accuracy of the reported workforce data.

24 I'm assuming -- this is maybe a leap, so I

1 MR. PUGH: I will not subject my client to  
2 potential recourse from the City for divulging work  
3 product or attorney/client privilege communications.

4 MS. BECKER: With respect to what your  
5 question was, what steps did he take, potentially it  
6 may very well not cross over that line and he may be  
7 able to answer the question, but without knowing, I  
8 can't --

9 MR. BAKER: He's a lawyer. He knows what  
10 client communications are.

11 MS. BECKER: But he's also not a lawyer for  
12 the City. I am. And the City hasn't waived any work  
13 product or attorney/client privilege.

14 MR. PUGH: I will instruct you if you think  
15 there's one slight possibility that it could be  
16 protected, I instruct you not to answer. You can  
17 continue.

18 THE WITNESS: Based on the advice of my  
19 counsel, I won't answer.

20 BY MR. BAKER:

21 Q. Is it fair to say that you read the short  
22 form before you signed it?

23 A. Yes.

24 Q. So you can include that as a step that you

1 shouldn't assume -- the reported workforce data that's  
2 mentioned in this certification is the information  
3 that's contained on Pages 510 through --

4 A. I didn't take that to be your question. I  
5 thought you were asking about the organization's  
6 employment policies.

7 Q. I'm going to get there.

8 The workforce data would be the information  
9 that's on Pages 510 to 513, correct?

10 A. Yes.

11 Q. It says, "our organization's employment  
12 policies," so the City of Chicago's employment  
13 policies. I'm just curious what the -- I'm not asking  
14 about federal rules or laws. I'm asking what the City  
15 of Chicago's employment policies are that you're  
16 certifying here.

17 A. You're asking me what policies existed at the  
18 time?

19 Q. I mean, it's your certification. I'm trying  
20 to figure out what you're certifying here. It talks  
21 about our organization's employment policies. I want  
22 to know which employment policies those are that  
23 you're talking about that this stuff complies with  
24 those policies.



1 A. As I said, before I would have signed the  
2 document I would have read the federal regulations.  
3 As I sit here today, I don't know what organization's  
4 employment policies mean. I just don't know. I don't  
5 remember. I would have remembered at the time before  
6 I signed it. That's why I'm saying I can't answer  
7 your question.

8 I just don't recall what is meant by that  
9 statement at this time without reference to the  
10 regulations.

11 Q. The City of Chicago employment policies, were  
12 they ever contained in a book or booklet or some  
13 printed form where you could grab it and look at it?

14 MS. BECKER: Object to the foundation of the  
15 question.

16 THE WITNESS: The City's employment policies  
17 were contained across many documents.

18 BY MR. BAKER:

19 Q. Can you give me some examples or tell me what  
20 your recollection is?

21 A. There would have been the City's personnel  
22 rules. There would have been the City's diversity  
23 opportunity plan. There would have been the police  
24 department's general orders, rules. There would be

1 the fire department's general orders, rules. There  
2 would have been individual orders and rules of  
3 individual City departments. There would have been --  
4 there's more. I mean, I really can't recall. They  
5 were contained in a number of places. And the  
6 municipal code had employment policies.

7 Q. Is it fair to say as you walked around as  
8 deputy director you didn't have all of this  
9 information memorized in your head, right, all of  
10 these employment policies?

11 MS. BECKER: Objection form of the question.

12 MR. PUGH: Join the objection.

13 THE WITNESS: At the risk of sounding  
14 arrogant, I was fairly conversant on the City's  
15 employment policies at the time. I'm not as  
16 conversant as I was at the time.

17 BY MR. BAKER:

18 Q. I get that you may be conversant. I think  
19 that I'm pretty conversant in some stuff as a lawyer,  
20 too, okay. But as I sit here right now, even if I  
21 worked with 28-CFR all day long, I wouldn't try and  
22 rattle it off off the top of much my head. I might be  
23 familiar with it and how it applies and be able to  
24 give legal advice on it, just like you do.

1 A. Sure.

2 Q. So basically the gist of my question is,  
3 you're not an encyclopedia inside your head.

4 You have familiarity with these things,  
5 correct?

6 A. Familiar with what things?

7 Q. With the City's -- at the time you were  
8 working in the City, you had familiarity with these  
9 employment policies, correct?

10 MS. BECKER: Object to the form of the  
11 question.

12 BY MR. BAKER:

13 Q. Or, as you said, conversant.

14 A. I was aware of many -- I don't know exactly  
15 how to answer the question. I was aware of the City's  
16 employment policies.

17 Q. It's fair to say that you didn't just blindly  
18 sign off on this certification?

19 MS. BECKER: Objection, form of the question.

20 MR. PUGH: Objection, vague.

21 THE WITNESS: I ensured before I signed the  
22 document that I would be telling the truth.

23 BY MR. BAKER:

24 Q. Before you signed off on the short form

1 that's 509 to 519, did you look at any other prior  
2 short forms that had been executed by anyone else at  
3 the City?

4 A. Before I signed 519?

5 Q. Yes.

6 A. Yes, I did.

7 Q. Do you recall which ones you looked at?

8 A. The one I can recall looking at is the one  
9 that ends at City 508.

10 Q. The one that ends at 508 begins on 499?

11 A. Yes.

12 Q. That, too, is an EEOP short form?

13 A. Yes.

14 Q. What is your understanding of when an EEOP  
15 short form is used rather than just the full fledged  
16 EEOP certification?

17 MS. BECKER: I'm going to object to the  
18 extent that requires Mr. Ward to divulge either  
19 attorney/client privilege communication or his  
20 attorney work product on behalf of the City.

21 MR. PUGH: I instruct the witness not to  
22 divulge EEOP communications, but the question is also  
23 vague and lacks foundation because there's no  
24 timeframe.

1 THE WITNESS: Given those objections, I would  
2 just tell you I don't remember why you use the short  
3 form over the long form. There was a reason. I don't  
4 remember what that reason was.

5 BY MR. BAKER:

6 Q. Do you know if a short form was used, for  
7 instance, if a signature had already been on file for  
8 that type of grant and rather than have to complete  
9 the entire grant form again you could use a short form  
10 to update information that was already in that grant  
11 application?

12 A. I'd be guessing, so I have to decline to  
13 answer. I just don't know the answer to that  
14 question.

15 Q. If you had to go to somebody to find out at  
16 the City, who would you go to outside of, like, a  
17 lawyer?

18 MS. BECKER: I'm going to object to the  
19 foundation and form of the question.

20 BY MR. BAKER:

21 Q. Back during the time when you were deputy  
22 director.

23 A. If I had to go back to somebody to find out  
24 what?

1 Q. Is it fair to say that this would not be one  
2 of the documents you reviewed prior to the deposition  
3 beginning today?

4 A. No, I did not.

5 Q. Having looked at this, do you recall  
6 receiving -- it says from Theresa Hill to Torrick  
7 Ward, and it's dated.

8 Do you recall receiving this and looking at  
9 it?

10 A. I don't recall.

11 Q. In December of 2008, you were in compliance  
12 at that time?

13 A. Yes.

14 Q. Was your title deputy director?

15 A. I don't recall.

16 Q. Prior to becoming deputy director, you were  
17 senior compliance officer; is that fair?

18 A. Yes.

19 Q. Is it fair to say that you were either titled  
20 senior compliance officer or deputy director at and  
21 around the time that this is dated?

22 A. No.

23 Q. What else could you have been?

24 A. When the office of compliance was first

1 Q. Short form hits your desk. You want to find  
2 out whether you need to use the short form or the long  
3 form.

4 Sitting here now you don't know who you would  
5 go to to find out?

6 MS. BECKER: Objection, speculation.

7 THE WITNESS: I would read the long.

8 BY MR. BAKER:

9 Q. So that's something that you could do  
10 yourself then?

11 A. Yes. I'm an attorney.

12 MR. BAKER: This is going to be marked as  
13 your Deposition Exhibit Number 2. While you look that  
14 over, why don't we just take a break?

15 (Whereupon, Ward Deposition Exhibit

16 No. 2 was marked for

17 identification.)

18 BY MR. BAKER:

19 Q. Mr. Ward, a document has been placed in front  
20 of you that's been marked as your Deposition Exhibit  
21 Number 2, correct?

22 A. Yes.

23 Q. Do you recognize that?

24 A. No.

1 organized, my title changed from senior counsel --  
2 actually assistant corporation counsel supervisor to  
3 attorney. So my original title in compliance was  
4 attorney. I don't recall when it changed.

5 Q. Do you have any reason to doubt any of the  
6 information that's contained on here?

7 I'll preface that it says, "Pursuant to your  
8 request for feedback." I'm assuming that there was a  
9 request, and she's giving you feedback based on that  
10 request.

11 MS. BECKER: Objection, form of the question.  
12 I apologize if you weren't done.

13 BY MR. BAKER:

14 Q. Do you have any reason to doubt that?

15 MR. PUGH: We join in those objections. It  
16 lacks foundation.

17 THE WITNESS: I don't recall this document or  
18 why it was created.

19 BY MR. BAKER:

20 Q. Having looked at it, is there anything that  
21 stands out to you that's, like, patently wrong or just  
22 that's not true or correct?

23 MS. BECKER: Same objections.

24 MR. PUGH: Same objections.

1 THE WITNESS: On the second page of the  
2 document, which is not numbered, under Legal Appeals,  
3 Cultural Appeals and Rational Self Interest, I would  
4 have some questions about that title, but then the  
5 first sentence, "The City culture is one endemic with  
6 a cultural history of misconduct and mistreatment of  
7 subordinate, non-clouted employees," I disagree with  
8 that statement. I think that's vastly overstating the  
9 problem.

10 I generally feel the same way about the rest  
11 of the paragraph. That paragraph is extreme in its  
12 belief.

13 MR. PUGH: Just to clarify, when you asked if  
14 there's anything that's inaccurate, he pointed out two  
15 things.

16 Do you need him to tell you everything that's  
17 in here that he feels is inaccurate several years  
18 after this was drafted?

19 MR. BAKER: I'd like him to. I'd like him to  
20 go through and say -- I mean, from his prior dep, you  
21 know, there was some questions and answers about  
22 Ms. Hill and sort of like a lack of diplomatic  
23 approach to things, and she used certain language, and  
24 maybe that's what he's touching on here.

1 talk about.

2 So if it says, you know, for instance, if  
3 there's a number ten in here and he says, no, it  
4 wasn't ten, it was a hundred. If that's something he  
5 could point out, I'd like him to point it out.

6 If he disagrees with her verbiage, I'd like  
7 him to point that out to me.

8 MR. PUGH: Based our agreement that this  
9 deposition is not going to be used for any other case  
10 other than this U.S. ex rel Theresa Hill versus City  
11 of Chicago, then you can proceed and answer, if  
12 there's anything that you find in the document sitting  
13 here five years later as responsive.

14 THE WITNESS: I'm on the first page.

15 BY MR. BAKER:

16 Q. Back Page 1?

17 A. Yes. Under Management Standards and  
18 Accountability, I'm in the middle of that first  
19 paragraph.

20 Q. Can you point it out to me?

21 A. Yes. I'm pointing out a statement that says,  
22 "If a City manager is found in violation of an EEO  
23 policy, the City can be deemed solely liable and  
24 responsible for mitigation of the harm."

1 MR. PUGH: Just to -- you know, maybe I  
2 should make this clear --

3 MR. BAKER: That's what I'm getting at. Does  
4 he disagree with this? Does he disagree with the way  
5 she's voiced it?

6 MR. PUGH: Let me be very clear about this.  
7 This deposition is only being used for this case.

8 MR. BAKER: Yeah, I'm not using it for any  
9 other case. Discovery's close in the other case. I  
10 couldn't use it if I wanted to.

11 We've got the Motion for Summary Judgment  
12 fully briefed. I'm not trying to backdoor anybody  
13 here.

14 MR. PUGH: So this --

15 MR. BAKER: But I can't forget the fact that  
16 we talked about Theresa Hill in a certain -- you know,  
17 he asked her to do things, and I think -- I'm  
18 paraphrasing, but I think it was sort of said by him  
19 and maybe other witnesses that she didn't have tact.

20 So if there's language in here that's not  
21 tactful or is aggressive or however -- you know, I  
22 don't want to put words in his mouth. But I kind of  
23 get what he's saying when he was talking about the  
24 first sentence. So that kind of stuff I'd like him to

1 I'm not sure that's accurate. I just don't  
2 think that's correct the way it's stated.

3 I'm on the third page of the document.

4 Again, they're not numbered. I believe the client  
5 Mitsubishi, in the first paragraph -- I don't know,  
6 and so I'm not going to say it's correct whether it  
7 was millions or potential millions lost. I haven't  
8 read those cases in a long time.

9 I disagree with the bolded paragraph. I'm  
10 not sure if the City is a government contractor. I  
11 don't even know if that's true or not, but I don't  
12 think they defaulted on them.

13 I don't know if I agree that the City's at  
14 risk of losing millions of dollars of federal funding.

15 I don't think the City would shut down. I  
16 think that's alarmist, frankly.

17 Under Cultural Appeals, I don't believe in  
18 the first sentence which starts, "I would enlist the  
19 training of noted organizational change educator  
20 Morris Massey. His basic premise is based on the  
21 everyday person. He believes that who you are is what  
22 you were when, basically stated if you were born a  
23 raised you will remain racist unless you have a  
24 significant paradigm shift, and significant emotional

1 event in your life that triggers behavioral change."

2 I disagree with that statement, and I have  
3 personal reasons for disagreeing with that statement.  
4 I know it to be untrue.

5 I don't agree we would hire -- I would never  
6 recommend to hire someone like that for cultural  
7 change training.

8 BY MR. BAKER:

9 Q. When you say someone, you mean Mr. Massey?

10 A. Yes.

11 Q. Do you know who he is?

12 A. I've heard the name. I don't know him.

13 He is phenomenal, I would disagree with that  
14 just based on the statement above.

15 I don't agree with, this would have been the  
16 only chance we have to effect cultural change besides  
17 attrition.

18 Under the Performance Management section, I'm  
19 just going to say that I don't agree with most of the  
20 paragraph. I don't think it's necessarily correct  
21 that the City had no tool or effective tools to  
22 measure performance. I'm not sure what's meant by PM.

23 Q. That was going to be one of my questions.

24 What's the PM?

1 funding and has not for years," I don't agree with  
2 that statement.

3 I'm not sure if -- this is not a factual  
4 statement. This is her suggestion, that the  
5 responsibility rests with the enforcers of the policy,  
6 office of compliance. She is referring to the  
7 diversity policy. The reason -- we have to follow the  
8 City's municipal code, and I can't -- one of the  
9 things about that is we can't take away the power of  
10 the department heads to manage their department. So I  
11 just didn't agree with that. I don't believe that,  
12 and we just couldn't do it the way it's stated here.

13 I don't know that I would seek corporate  
14 models as sponsorship. Operationally, I don't think  
15 that would work.

16 Where it says the legal ramifications and  
17 consequences of not having done the right thing for so  
18 many years, I just don't think that's correct.

19 Q. When it says, "succeed where I have failed,"  
20 is she talking about herself from what you gleaned  
21 from this?

22 A. I'm not going to speculate as to what she's  
23 referring to. She says I, so I'll leave it at that.

24 Q. When she says not having done the right thing

1 A. I'm not sure what that is.

2 Q. Okay.

3 A. The Oracle performance evaluation tool is  
4 outdated and not user friendly, I don't know whether  
5 that's true or not.

6 Q. Do you know what the Oracle performance  
7 evaluation tool is?

8 A. I don't know what she's referring to. I'm  
9 not sure what -- I should say I'm not sure what she's  
10 referring to here.

11 Q. Do you know if it was some type of database?  
12 I know Oracle does databases, that's the only reason  
13 I'm throwing that out there.

14 Had you ever used, like, an Oracle system or  
15 something?

16 A. I have used an Oracle system at the City,  
17 yes.

18 Under Strong and Effective Policy, I mean,  
19 this is just a -- I don't think that the diversity  
20 policy is a prop to illegally receive federal funds.  
21 I think that is alarmist and unreasonable, saying that  
22 statement.

23 The statement, "My strongest concerns are  
24 that the City is not eligible to receive federal

1 for so many years, do you know what -- reading this  
2 now, do you know what she's talking about?

3 A. I don't know what Theresa was talking about.  
4 I do know she hadn't been with the City that many  
5 years at the time of this, so I'm not sure where she  
6 had a factual base to say that, which is one of the  
7 reasons I disagree with it.

8 I disagree with the next paragraph. I don't  
9 think that would work. I think it would lead to more  
10 fear, and it would be more problematic. It would  
11 literally be seen as an onerous task for the  
12 department heads, and they would wind up resenting it,  
13 and that's just not a good way to handle a diversity  
14 program.

15 Q. Can I just stop you there before you  
16 continue?

17 A. Yes.

18 Q. It talks about a diversity counsel.

19 Was there a diversity counsel at this time?

20 A. There was -- I'm not sure if -- I mean, I  
21 don't know at this time. At one point, there was an  
22 executive diversity committee.

23 Q. When you say at one point in time, do you  
24 recall what point in time that was?

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1 A. I don't. I'm sorry.  
 2 Q. Had you ever been -- have you ever observed  
 3 that council, their operation?  
 4 A. At some times, yes.  
 5 Q. Do you know who made you that council?  
 6 A. I don't recall off the top of my head.  
 7 Q. Do you have any recollection as to any  
 8 individual? You might not recall the whole council,  
 9 but you might recall, oh, I was part of it.  
 10 A. I was part of it.  
 11 Q. So we can say you were definitely part of  
 12 this council.  
 13 So you can say it existed legitimately  
 14 because you were part of it, correct.  
 15 A. Yes.  
 16 Q. You just don't recall at what point in time  
 17 it existed?  
 18 A. I don't know what we brought -- it was part  
 19 of our diversity and equal opportunity plan we brought  
 20 that into existence.  
 21 Q. Let me come at it this way. Because you had  
 22 a tenure with the City for a long period of time, did  
 23 this come into existence while you were part of  
 24 compliance?

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1 MS. BECKER: Object to foundation.  
 2 BY MR. BAKER:  
 3 Q. When I say compliance, I mean the OCX.  
 4 A. I understand your question. The answer is,  
 5 I'm sorry, a little more nuanced.  
 6 This was a successor committee to the -- I  
 7 think it was either called the affirmative action  
 8 committee or something like that, which is a  
 9 predecessor committee which existed prior to my  
 10 becoming responsible for it.  
 11 Q. The affirmative action committee, do you  
 12 recall if you were part of that committee or if there  
 13 were other individuals that you can recall as being  
 14 part of that committee?  
 15 A. I was not a part of that committee, and I  
 16 don't recall -- I wasn't involved.  
 17 Q. I'm not going to use the committee's name by  
 18 the right name. I'm going to call it just the EEO  
 19 committee that you were a part of.  
 20 That committee, do you recall any other  
 21 members outside of yourself?  
 22 A. Yes.  
 23 Q. Who?  
 24 A. Angela Thomas, Tracy Ladner, Ken Gunn. There

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1 were others. There was a representative from the  
 2 mayor's office for people with disabilities. I'm  
 3 fairly certain there was somebody from human resources  
 4 in there, that would just have made sense, but I don't  
 5 recall any more names.  
 6 Q. Was that sort of made up of department heads?  
 7 A. No, it was not department heads.  
 8 Q. Would an individual from each different  
 9 department from the City be part of this committee?  
 10 A. No.  
 11 Q. How often do you recall the committee  
 12 meeting?  
 13 A. I don't recall.  
 14 Q. You do recall being in a meeting though?  
 15 A. Yes.  
 16 Q. Do you recall being in more than one meeting?  
 17 A. Yes.  
 18 Q. Is it something that would be like an annual  
 19 meeting, or would it have more frequent meetings?  
 20 A. I don't recall.  
 21 Q. The topics of discussion at that committee  
 22 meeting, can you give me some topics that would be  
 23 discussed?  
 24 A. They would have been issues regarding equal

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1 employment opportunity and diversity in the City.  
 2 That's what it would have been about.  
 3 I mean, I can't drill down any further than  
 4 that. I don't remember.  
 5 Q. When you would meet, what was the location of  
 6 the meeting?  
 7 A. I don't recall.  
 8 Q. It would be located within some type of City  
 9 facility, the DePaul Center, or City Hall, or  
 10 someplace like that?  
 11 A. I believe so, but I don't know. I just don't  
 12 recall.  
 13 Q. At the time this was authored, do you recall  
 14 what Theresa's position was?  
 15 A. I don't.  
 16 Q. Does this sound like something you could have  
 17 asked her to do, get her input on this?  
 18 MR. PUGH: Objection, speculation, lack of  
 19 foundation.  
 20 THE WITNESS: I would not have asked her to  
 21 write this. I may have asked her if there was some  
 22 work, but I don't recall doing so.  
 23 BY MR. BAKER:  
 24 Q. Let's jump back into it then.



1 A. Okay.

2 Q. We were in the second bullet point on the  
3 last page of this exhibit.

4 A. Presuming this was actually created in  
5 December 2008, I disagree with the fourth bullet point  
6 on the last page. "...with whom DHR," I'm assuming  
7 that means the department of human resources, "has  
8 failed to execute any policies or programs to  
9 safeguard hiring within the City," that is incorrect.  
10 That's not just true.

11 Q. When it says the federal hiring monitor, are  
12 we talking about the Shakman monitor?

13 A. I believe that's who she's referring to.

14 Q. Let's jump down to the last.

15 A. I disagree with the -- in the first  
16 concluding paragraph, the first sentence, "In  
17 addition, I would say that resources need to be  
18 available for compliance to take over all EEO  
19 investigations from the law department."

20 I don't necessarily disagree that compliance  
21 should have done EEO investigations, but the law  
22 department didn't do them at the time. I don't think  
23 they ever did.

24 Q. So it's your understanding that the law

1 MS. BECKER: Before we get into questions  
2 about this document, I want to make a standing  
3 objection. The judge has limited this case to the  
4 relevant period of 2002 to 2008. We looked at a  
5 document earlier dated 2010. Now we're looking at  
6 2009 documents. So I'll object to the relevance of  
7 all of this with respect to this lawsuit.

8 THE WITNESS: No, I do not recognize this  
9 document.

10 BY MR. BAKER:

11 Q. Can we go through this sort of in the same  
12 way that we went through the last document?

13 Just take peek at it, and if there's stuff  
14 that sounds standards out to you as you disagree with  
15 or is inaccurate.

16 A. This is less of agreement than I don't  
17 understand this document. It start with non-funded  
18 mandatory compliance programs. I don't know what's  
19 meant by non-funded. Non-funded by who? By the City?  
20 By the State. I don't know what she means by that.

21 These are not -- I mean, these are not  
22 necessarily factual statements, so I'm not sure  
23 whether -- I just don't know what she means by any of  
24 this. And because I don't know what's meant by

1 department didn't do it, so that would be incorrect?

2 A. Yes, it's just incorrect.

3 I disagree with the statement, "Law should be  
4 involved on the litigation end." In fact, I think  
5 that is incredibly poor advice, and I would never  
6 advise a client to only bring law in at the stage of  
7 litigation. That is, excuse my technical term, dumb.  
8 You should bring your lawyers in before you have  
9 litigation. It just doesn't make any sense.

10 Okay. That's it.

11 Q. Thank you.

12 (Whereupon, Ward Deposition Exhibit  
13 No. 3 was marked for  
14 identification.)

15 BY MR. BAKER:

16 Q. Mr. Ward, I've had marked as your Deposition  
17 Exhibit Number 3 what was, I'll represent to you,  
18 previously marked as Ms. Hill's Deposition Exhibit  
19 Number 20. And I'll also represent to you, that  
20 that's my horrible handing in the box that says EX  
21 Number 20. So that we can just sort of do away with.

22 A. That's fine.

23 Q. Do you recognize this document at all?

24 A. No.

1 non-funded, I just don't think I can say anything  
2 about that.

3 As to ARRA compliance, American Recovery and  
4 Reinvestment Act compliance, I don't know enough about  
5 ARRA as I sit here today to make any kind of statement  
6 about whether I agree or disagree with that, so I will  
7 decline to say.

8 Q. How about the last paragraph on Page 2 of  
9 this document?

10 A. I have no idea how much money the City  
11 received in ARRA funds. I just have no idea. I just  
12 don't know if that's true or not. I don't know enough  
13 about ARRA to know if that's true, or the City's use  
14 of the ARRA funds.

15 Q. Did you ever have any interaction at all with  
16 mark Devan?

17 A. Yes.

18 Q. The interaction you had with Mr. Devan, was  
19 that -- let me back up.

20 Did you work at some point in time in DHR?

21 A. Near the end of my tenure with the City.

22 Q. Is that when you had involvement with  
23 Mr. Devan?

24 A. No.



1 Q. Can you tell me what your involvement  
2 without, obviously, going into attorney/client stuff?

3 A. It was in my capacity as an attorney, and it  
4 was regarding legal issues for the City.

5 Q. Did it have anything to do with EEO?

6 Don't answer that. That was a dumb question.  
7 I apologize. I'll strike my own question.

8 (Whereupon, Ward Deposition Exhibit  
9 No. 4 was marked for  
10 identification.)

11 MS. BECKER: Before you start asking  
12 questions about the exhibit, I'll just object to Ward  
13 Exhibit 4 as being outside the scope of this  
14 litigation. It's a document from 2009, after the  
15 lawsuit was filed.

16 BY MR. BAKER:

17 Q. By the way, same thing goes. This was  
18 previously her Deposition Exhibit 19, and that's my  
19 scribbling at the bottom.

20 A. I understand.

21 Q. Have you had an opportunity to look at this?

22 A. Yes.

23 Q. Do you recall these e-mails?

24 A. I don't recall the e-mails, no.

1 Q. Is there any reason to doubt that these  
2 aren't accurate e-mails that are copied here?

3 MR. PUGH: Objection, lack of foundation.

4 THE WITNESS: Without being rude, the only  
5 reason I would doubt it is because Ms. Hill often  
6 created documents which I have never seen based on  
7 what I've seen in this deposition and others, but I  
8 have no other reason to disbelieve that e-mail  
9 exchange occurred.

10 BY MR. BAKER:

11 Q. It looks like attached to this e-mail was a  
12 summary, and there's the summary in these last two  
13 pages.

14 A. Yes.

15 Q. Is it fair to say that you may have -- I  
16 mean, was it part of your practice during this time  
17 period to ask Theresa for comments on things like  
18 this?

19 A. Yes. Theresa, at this time, was working in  
20 my section. She was, for lack of a better term, the  
21 second highest ranking person in the division. With  
22 her background, I would at times ask her opinion.

23 I may have also asked someone else's opinion  
24 about things, about information that we would

1 distribute.

2 Q. It looks like you're asking not just her but  
3 somebody else. I don't see that it's reflected who  
4 else this may have been sent to.

5 At 11:40 a.m. it looks like you sent the  
6 e-mail out with the attachment, and at 1:29 p.m. it  
7 looks like there's a reply from Ms. Hill to you.

8 Do you agree or disagree with anything she  
9 said in there?

10 MR. PUGH: Objection, lack of foundation.

11 MS. BECKER: Same objection. Plus, to the  
12 extent this will get into any kind of legal analysis,  
13 I raise an objection with respect to attorney work  
14 product.

15 THE WITNESS: I don't know if her reply  
16 e-mail at 1:29 p.m. is correct which -- yeah. I don't  
17 know if that's correct.

18 BY MR. BAKER:

19 Q. When you say you're not sure if it's correct,  
20 what in there do you have -- I don't know if you want  
21 to call it a feeling, but there's something in there  
22 that you're like --

23 A. Well, I don't know if it's correct that the  
24 City is a government contractor. I don't know if

1 that's true or not. I'm not sure that there was a  
2 need to have an implemented functional EEO/AAP plan,  
3 which is a -- now, I can't answer this question  
4 without -- I can't answer the rest of that question  
5 without getting into legal analysis that I actually  
6 performed for the City. So, I'm sorry.

7 Q. Do you know if it was a condition for the  
8 receiving of funding?

9 MS. BECKER: Same objections.

10 THE WITNESS: That was a communication I  
11 would have made to the clients, to answer that  
12 question.

13 BY MR. BAKER:

14 Q. Then it looks like above that you then shot  
15 back to Theresa an e-mail where you're asking her for  
16 a regulation or statute; is that fair?

17 A. That's what it says, yes.

18 Q. The DOL website, I take that to be the  
19 Department of Labor website?

20 A. I don't know if that's what she meant, but I  
21 assume so. I don't know if she was referring to  
22 Illinois or federal.

23 Q. Do you recall at all whether or not she sent  
24 you any statute from a Department of Labor?

1 A. I don't remember.

2 Q. In the attachment, do you have any reason to  
3 doubt or to call into question the information that's  
4 in the attachment?

5 MS. BECKER: Object to the form of the  
6 question.

7 THE WITNESS: I don't remember who drafted  
8 this, or if I drafted it, or where I got the  
9 information from.

10 As I read through it, it does not appear to  
11 be incorrect, but I don't have any reason --  
12 particularly as to, let's say, the complaint  
13 resolution, I have no reason to know whether that's  
14 true or not. But the other things like education  
15 awareness and training, I mean, that's true. I  
16 believe the rest of it is true.

17 (Whereupon, Ward Deposition Exhibit

18 No. 5 was marked for  
19 identification.)

20 BY MR. BAKER:

21 Q. I've had marked as your Deposition Exhibit  
22 Number 5 a group of e-mails, and I'll represent to you  
23 that Counsel for the City and I went in front of  
24 Judge Pallmeyer and we discussed what could be

1 agree with her, even though I'm on the other side.

2 THE WITNESS: That's always good.

3 BY MR. BAKER:

4 Q. Do you recall meeting with Theresa?

5 It looks like the initial e-mail says that "I  
6 met with Torrick," and then there's some stuff that's  
7 been redacted.

8 Do you recall that meeting?

9 A. Yes.

10 Q. You do?

11 A. Yes.

12 Q. The meeting that it's referring to here, was  
13 that on or around June 4 of '07?

14 A. I don't recall.

15 Q. Skip Hill 204.

16 Would you go to the last page for me?

17 A. Yes, I'm there.

18 Q. In the middle of the page there's an e-mail  
19 that has 11:02 a.m. on it. It says, "The proposal  
20 resubmitted to Brian Murphy in November can be  
21 implemented. We don't have to forfeit our grants. I  
22 can get the project jump started" --

23 MS. BECKER: I think you mean second to last  
24 page.

1 included and what could be redacted, so these are not  
2 complete copies of the e-mails. There are portions  
3 that are redacted, okay?

4 A. Yes.

5 Q. Take your time and flip -- did you look at  
6 these prior to your deposition beginning?

7 A. I looked at Hill 204 only.

8 Q. Only Hill 204?

9 A. Yes.

10 Q. Take some time and just look through these  
11 then.

12 A. Yes, sir.

13 Q. Do you recall whether or not these e-mails  
14 were sent and received on the dates indicated?

15 MS. BECKER: I'm going to object. Several of  
16 these e-mails weren't sent or received by Mr. Ward, so  
17 I think we need to go through -- I object to the form  
18 of the question.

19 MR. PUGH: Foundation.

20 BY MR. BAKER:

21 Q. Let's go to the top page.

22 A. I have no idea whether this document was sent  
23 or received.

24 MR. BAKER: I'll withdraw because I kind of

1 MR. BAKER: Did I say last page?

2 MR. PUGH: Yes.

3 MR. BAKER: I apologize. Now it makes sense,  
4 right? I'm not reading from a blank page.

5 THE WITNESS: You started in the middle of  
6 the page?

7 BY MR. BAKER:

8 Q. Right in the middle there.

9 A. Yes.

10 Q. At this time in 2007, where were you within  
11 the City?

12 A. I was an attorney in the law department.

13 Q. And Brian Murphy, who is Brian Murphy?

14 A. At the time, he, I believe, was the first  
15 deputy chief of staff.

16 Q. Do you know if there's anything -- do you  
17 know, like, what this paragraph was sort of talking  
18 about, something getting jump started?

19 A. Yes, I do.

20 Q. What does it bring up memory-wise for you?

21 MS. BECKER: I'm going to object to the  
22 extent Mr. Ward's answer would require him to divulge  
23 attorney/client communications and it attorney work  
24 product.

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1 THE WITNESS: It would involve disclosing  
2 both, so I have to decline to answer the question.  
3 (Whereupon, Ward Deposition Exhibit  
4 No. 6 was marked for  
5 identification.)

6 BY MR. BAKER:

7 Q. Mr. Ward, I have marked as your Group  
8 Deposition Exhibit Number 6 a large binder clipped  
9 packet which is Bates numbered City 1092 through City  
10 1216. I'll just represent to you that I think  
11 everything's consecutive in there. I didn't take  
12 anything out, okay?

13 A. Okay.

14 Q. Have you ever seen these documents before?

15 MS. BECKER: I just want to make one  
16 objection about the exhibit. On City 1092, it seems  
17 to suggest that this is Page 12 of 13. So Pages 1  
18 through 11 are not there. I just want to make that  
19 note for the record.

20 MR. PUGH: Join in that objection.

21 THE WITNESS: I have seen City 1098. I can  
22 state that.

23 BY MR. BAKER:

24 Q. I'm sorry. You were saying, Mr. Ward?

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1 Q. I think I can speed this up a little bit.  
2 1105 to 1121?

3 A. Yes.

4 Q. That is your signature and date on each one  
5 of those documents from Pages 1105 to 1121?

6 A. Yes.

7 Q. Is it fair to say that these are EEO  
8 certifications from Bates 1105 to 1121?

9 A. These are certifications that an EEOP is  
10 required and on file.

11 Q. In some earlier questions and answers we  
12 talked about a long form and a short form.

13 Are these certifications for either a long  
14 form or short form; if you know?

15 A. No.

16 Q. What are they certifications for?

17 A. It is a certification that an EEOP is either  
18 not required or that it is required and it's on file  
19 with the organization.

20 Q. When it talks about it being on file, where  
21 is it on file?

22 If I popped into City Hall back on the date  
23 you certified this and I held this up, where would I  
24 go to find this?

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1 A. I have seen City 1098 -- I'm sorry. That's  
2 9, 1097, 1098. City 1103, 1104, 1105, 1106, 1107,  
3 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116,  
4 1117, 1118, 1119, 1120, 1121. I have seen 1215.

5 Q. I don't think your signature is after 1215.

6 A. As to the rest of the documents, I don't  
7 recall seeing those that existed prior to May of 2010.

8 For the ones that existed after May 31, 2010,  
9 I would not have seen those. I have no access to City  
10 documents after that point.

11 MS. BECKER: Before we ask questions on Group  
12 Exhibit Number 6, the City objects on relevance  
13 because a number of these documents were created or  
14 signed after 2008, after the lawsuit was filed, and  
15 the judge has already ruled that those matters are not  
16 material or relevant to the case.

17 BY MR. BAKER:

18 Q. Go to 1103, please.

19 A. Yes, sir.

20 Q. That's your signature --

21 A. Yes.

22 Q. -- at the bottom of the page. That's not  
23 2011, that's 2010?

24 A. Yes.

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1 A. The EEOP should say where it's on file.

2 Q. It says office of compliance, but, I mean,  
3 office of compliance -- I take there's many, like,  
4 offices and stuff.

5 MS. BECKER: Objection, foundation.

6 BY MR. BAKER:

7 Q. Is there a library, or is there a stack of --

8 A. Well, for instance, I'm going to refer to  
9 1121. It says that it's on file at the --

10 Q. Hold on one second. I apologize. Go ahead.

11 A. It says that it's on file at the office of  
12 compliance at 333 South State Street. That was one  
13 office. I mean, you would walk up to the  
14 receptionist.

15 Q. Let's pretend I'm back, 2010 I walk into the  
16 office of compliance, hi, I'd like to see the EEO  
17 that's on file. I take it that the receptionist -- I  
18 mean, does she have it?

19 Or does she have to go to Mr. Boswell, who  
20 gets it out of his desk drawer, or go to you? That's  
21 kind of what I'm getting at.

22 MS. BECKER: Objection, form of the question,  
23 foundation.

24 MR. PUGH: Join.

1 THE WITNESS: You mean the EEOP?

2 BY MR. BAKER:

3 Q. Yes.

4 A. They would come to me. I would pull it out.  
5 I had a copy in my desk. I would photocopy it for any  
6 member of the public that wanted to see it and give it  
7 to you.

8 Q. So with that mind -- because these  
9 certifications go from June of '08 until February  
10 of 2010. I think they're in chronological order.

11 During that time period, if it was required  
12 that the EEOP be on file and it says that it's in the  
13 office of compliance, is it fair to say that it was in  
14 your desk?

15 A. Yes.

16 Q. During that time period?

17 A. Yes.

18 Q. So when you're certifying, the reason you can  
19 certify is because it's in your desk?

20 A. Well, in the file cabinet behind my desk,  
21 yes.

22 Q. Go to 1105. In the last sentence it says,  
23 "In addition to the above requirements."

24 Do you see that last little paragraph before

1 City.

2 Q. As you look at that stamp, you don't recall  
3 which grants unit that would have been?

4 MS. BECKER: Object to the form of the  
5 question.

6 THE WITNESS: I don't recall. I don't even  
7 know why that's there.

8 BY MR. BAKER:

9 Q. Given that you don't know why it's there, you  
10 wouldn't know why your certification on City 1214  
11 would be stamped received by the grants unit but the  
12 other signatures or the other certifications that we  
13 looked at they don't appear to have a received stamp  
14 on it?

15 MR. PUGH: Objection, lack of foundation. I  
16 believe it misstates testimony, too.

17 THE WITNESS: I don't really understand your  
18 question.

19 BY MR. BAKER:

20 Q. Earlier in one of your answers you said you  
21 don't know why the grants stamp is there; is that  
22 fair?

23 A. Correct.

24 Q. Given that you don't know why it's there,

1 you signed?

2 A. Yes.

3 Q. It talks about the authority.

4 What's your understanding of who the  
5 authority is when it talks about authority?

6 MR. PUGH: Objection, foundation.

7 THE WITNESS: I don't recall. I don't recall  
8 who's meant by that.

9 BY MR. BAKER:

10 Q. Go all the way to the back to Page 1214.

11 A. Yes.

12 Q. Again, that's your signature on that page,  
13 too, correct?

14 A. Yes.

15 Q. Mr. Ward, there's also a received stamp.  
16 Do you see --

17 A. Yes.

18 Q. When it says received, do you know who's  
19 stamping it received?

20 A. No.

21 Q. It says, grants unit.

22 Are you aware of a grants unit with the City  
23 of Chicago?

24 A. Yes, there were multiple grants units in the

1 would you also not know why -- would you also not know  
2 why it is absent from your prior certifications, City  
3 1105 to 1121?

4 MR. PUGH: Same objection with respect to  
5 foundation, and I believe that it misstates his  
6 testimony, too.

7 THE WITNESS: So I don't know why on 1214  
8 this stamp is there. But I don't know when or how  
9 these documents were kept in the intervening five  
10 years, so I'm just not -- I don't know if I can say  
11 why they're absent or not.

12 BY MR. BAKER:

13 Q. That's what I'm looking for.

14 (Whereupon, Ward Deposition Exhibit  
15 No. 7 was marked for  
16 identification.)

17 BY MR. BAKER:

18 Q. Mr. Ward, I've placed in front of you a group  
19 document has been marked as your Deposition Exhibit  
20 Number 7. It was previously marked as Ms. Hill's  
21 Exhibit Number 8. And the same thing, that's my  
22 scribble that says Exhibit 8 on it.

23 Have you ever seen this document before?

24 A. I don't recall, but I may have seen an online

1 version of it.

2 Q. So you don't have any recollection as to  
3 whether you may have used, in working in compliance,  
4 the 7 Step Guide?

5 MS. BECKER: Object to the form of that  
6 question, but I'm going to object to the extent it  
7 requires Mr. Ward to divulge attorney/client work  
8 product -- or attorney work product.

9 MR. PUGH: We would instruct the witness not  
10 to answer with respect to if the answer will divulge  
11 work product or privilege.

12 THE WITNESS: Could you repeat your question,  
13 sir?

14 BY MR. BAKER:

15 Q. I just want to know if you've ever used this.

16 A. Yes, I have used it.

17 Q. Just to get a timeframe for when you used it,  
18 you used it while you worked with the City?

19 A. Yes.

20 Q. In one capacity or another?

21 A. Yes.

22 Q. Jump back for a brief moment. In your  
23 Deposition Exhibit Number 6, can you go to Page 1104.

24 A. Yes.

1 same information on it but they're Bates stamped  
2 different numbers.

3 A. I understand your question, Mr. Baker. I  
4 would have to go through line by line to determine.

5 Q. Let me try this way.

6 They appear, having looked at it page by  
7 page -- without a specific analysis but a cursory  
8 analysis, would it be fair to say that these documents  
9 look to be the same?

10 A. At risk of --

11 MR. PUGH: Same objection.

12 THE WITNESS: -- being argumentative, I don't  
13 want to do a cursory analysis, because that's  
14 basically a guess.

15 MR. PUGH: That's not argumentative because  
16 the attorney's not asked you to guess.

17 BY MR. BAKER:

18 Q. Do you have an answer?

19 A. Not without guessing.

20 MR. BAKER: Let's mark the minutes.

21 (Whereupon, Ward Deposition Exhibit  
22 No. 9 was marked for  
23 identification.)  
24

1 Q. Do you recognize that to be Mr. Boswell's  
2 signature?

3 A. Yes.

4 MR. PUGH: Objection, lack of foundation.  
5 BY MR. BAKER:

6 Q. Can you go back to your Deposition Exhibit  
7 Number 1, please?

8 A. Yes.

9 Q. Go to Page 508, City 508.

10 A. Yes.

11 Q. Do you recognize that to be Mr. Boswell's  
12 signature?

13 MR. PUGH: Same objection, lack of  
14 foundation.

15 THE WITNESS: Yes.

16 (Whereupon, Ward Deposition Exhibit  
17 No. 8 was marked for  
18 identification.)

19 BY MR. BAKER:

20 Q. I want to know if this is the same.

21 MR. PUGH: Objection that the document speaks  
22 for itself. If you can answer.

23 BY MR. BAKER:

24 Q. One looks fuzzy, but it looks to have the

1 BY MR. BAKER:

2 Q. Mr. Ward, they've been marked previously as  
3 City 68 and City 69.

4 Do you recognize what these are?

5 A. Yes.

6 Q. What are they?

7 A. They appear to be meeting minutes from the  
8 diversity committee.

9 MS. BECKER: Before we get to questions, this  
10 is a document dated 2010. It's outside the scope of  
11 the litigation. It's a document created after the  
12 lawsuit had already been filed.

13 BY MR. BAKER:

14 Q. You and I discussed the diversity committee  
15 and the meetings.

16 Would these be a copy of minutes from one of  
17 those meetings?

18 A. Yes.

19 Q. Do you recall whether or not you attended  
20 diversity committee meetings in 2008?

21 A. I don't recall.

22 Q. Do you know if it was called a diversity  
23 committee in 2008?

24 A. I don't recall.



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1 Q. Do you recall when the diversity committee  
2 actually took on the actual name diversity committee?

3 You mentioned it had been -- prior it had a  
4 different name.

5 A. Yeah. I don't recall.

6 (Whereupon, Ward Deposition Exhibit

7 No. 10 was marked for

8 identification.)

9 BY MR. BAKER:

10 Q. I have had marked as your Deposition Exhibit  
11 Number 10 a document which is Bates stamped City 128  
12 through 152.

13 Have you seen a copy of this before?

14 A. Yes.

15 Q. Where have you seen it?

16 A. Multiple places, but I had a copy of this  
17 document sometime in 2007. I know I had a copy in  
18 2007.

19 Q. It mentions department personnel Jacqueline  
20 P. King, Commissioner.

21 When you speak of having this document in  
22 2007, is it your recollection that Ms. King was  
23 commissioner in 2007?

24 A. Yes.

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1 THE WITNESS: When you say this is an EEOP,  
2 are you referring to the department of justice EEOP  
3 required for Safe Streets Grants?

4 BY MR. BAKER:

5 Q. Right. In City 1105 through 1121 you had  
6 signed off that you had -- the City had it on file, it  
7 was in the department of compliance, and you mentioned  
8 that you had it in your file cabinet.

9 This probably --

10 A. No, I --

11 Q. -- predates that, but I want to know, you  
12 know, is this also an EEOP, or is an EEOP something  
13 completely different than what this is?

14 A. An EEOP is a different document.

15 Q. What information is contained in the EEOP?

16 MS. BECKER: I'm going to object to the form  
17 of that question and the foundation of the question.

18 MR. PUGH: Join.

19 THE WITNESS: Can I refer you as an answer to  
20 that question --

21 BY MR. BAKER:

22 Q. To the 7 Step Plan?

23 A. Yes. That will answer it much better than I  
24 can.

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1 Q. That is the time you were working in the law  
2 department; is that correct?

3 A. Yes.

4 Q. Is this something that you kept, like, in  
5 your file cabinet or your desk drawer?

6 A. Yes.

7 Q. We've talked about an EEOP plan.

8 Is this the EEOP plan?

9 A. No.

10 Q. So this is something different than what was  
11 the EEOP that you were certifying that you mentioned  
12 that you had in your file cabinet from one of the  
13 prior exhibits?

14 Are you following my question or not?

15 A. I do. There's different timeframes. The  
16 EEOP I had was subsequent to this, which is later in  
17 time.

18 The reason I had this in my desk is because I  
19 used it in litigation, more than one case.

20 Q. When you would certify that there was an  
21 EEOP, I know you weren't -- those certifications don't  
22 match this document, but is this an EEOP?

23 MR. PUGH: Objection, vague.

24 MS. BECKER: Same objection.

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1 Q. I've got it.

2 A. Yes.

3 Q. So this talks about -- the 7 Step Guide is a  
4 guide in seven steps as to how to develop a plan,  
5 correct?

6 A. Yes. Your question, as I understood it, is  
7 what is an EEOP. On City 980, that question is  
8 answered by the agency that requires it.

9 So instead of giving you an imperfect legal  
10 opinion, I'm going to refer to the document.

11 Q. Prior to your deposition beginning today, did  
12 you look at an EEOP that was either a copy of or  
13 similar to the one that you kept in your file cabinet?

14 A. Yes.

15 MR. BAKER: Do you have that?

16 THE WITNESS: You showed it to me. It's  
17 Exhibit 1.

18 BY MR. BAKER:

19 Q. That was called a short form though, correct?

20 A. Yes.

21 Q. Is there a difference between an EEOP and a  
22 short form? Like is there a full version and then the  
23 short form is kind of like an abridged version?

24 A. I believe you asked me that before. There is



1 a difference. I don't remember what the difference  
2 is. That's it. I don't remember what the difference  
3 is.

4 Q. So let me ask you this.

5 If I came back to you, you know, office of  
6 compliance, back when you were in compliance, walked  
7 up to the receptionist, said, hey, I want to get a  
8 copy of the EEOP, and then you went -- you know, she  
9 comes to you. You went to copy it.

10 Would you have given me a copy of the short  
11 form or the actual full fledged EEOP?

12 MR. PUGH: Objection to the form. It also  
13 seems to be based more on a hypothetical, not  
14 referring to a specific time.

15 MS. BECKER: Same objections.

16 THE WITNESS: Those aren't different  
17 documents.

18 BY MR. BAKER:

19 Q. The document that you had in your file  
20 cabinet, was it the thing that we've looked at in  
21 Exhibit I, which is the short form?

22 A. Yes.

23 Q. If I came in and requested this thing back  
24 then, that's what you would have given me a copy of?

1 102, and then there's Page 31 to that document which  
2 does not have a Bates number on it, correct?

3 A. Correct.

4 Q. On the front page it says, "Affirmative  
5 Action Plan 1995 to 1999."

6 Have you seen this before?

7 A. I don't recall.

8 Q. In the short form EEOP, what does the P stand  
9 for?

10 A. I don't have independent recollection. I  
11 literally would be guessing as I'm sitting here right  
12 now without looking at the other documents.

13 Q. City department-wise, while you were in  
14 compliance, was it compliance's role to guarantee that  
15 the equal employment policies were being carried out  
16 by other City departments?

17 MS. BECKER: Object to the form of the  
18 question.

19 THE WITNESS: Not solely.

20 BY MR. BAKER:

21 Q. Who else shared that responsibility?

22 A. The mayor, all department heads, City  
23 managers. All our documents state this is a shared  
24 responsibility. Compliance had a meaningful role in

1 A. Yes.

2 MR. PUGH: Same objection.

3 (Whereupon, Ward Deposition Exhibit  
4 No. 11 was marked for  
5 identification.)

6 BY MR. BAKER:

7 Q. Mr. Ward, I've had marked as your Deposition  
8 Exhibit Number 11 what's been previously Bates stamped  
9 City 103 to City 127.

10 Have you seen this before?

11 A. I don't recall.

12 (Whereupon, Ward Deposition Exhibit  
13 No. 12 was marked for  
14 identification.)

15 BY MR. BAKER:

16 Q. I've had marked as your Deposition Exhibit  
17 Number 12 what was previously marked as Ms. Hill's  
18 Deposition Exhibit Number 9, a group of documents  
19 Bates stamped City 70 through City 103.

20 MS. BECKER: Although, I'm concerned that  
21 City 103 -- this might have just been skipped and City  
22 103 is a different document.

23 BY MR. BAKER:

24 Q. For the record, the last Bates number is City

1 it as well.

2 Q. The meaningful role that compliance had, was  
3 it more along the lines of enforcement? Enforcement  
4 might be too strong of a word.

5 A. I think the role would be investigation,  
6 education, and data collection. But I should say,  
7 even those responsibilities were shared with other  
8 departments.

9 Q. Is it fair to say that the City was an EEO  
10 employer?

11 MR. PUGH: Objection, vague.

12 THE WITNESS: To the extent that you're  
13 saying that the City valued Equal Employment  
14 Opportunity, yes, it was.

15 BY MR. BAKER:

16 Q. And that the City had to comply with federal  
17 and state laws regarding Equal Employment Opportunity?

18 MS. BECKER: I'm going to object to the form  
19 and to the foundation of that question. It's vague.

20 MR. PUGH: Join in those as well.

21 THE WITNESS: They had to comply with --  
22 could you give me a little more information about what  
23 they had to comply with that you're asking?

1 BY MR. BAKER:

2 Q. Yeah, the EEO laws.

3 A. Title VII, 1983, is that what you're  
4 referring to?

5 Q. Sure.

6 A. Yes, the City had to comply with the federal  
7 statutes.

8 Q. Having talked a couple hours now about this,  
9 do you recall who that outside contractor was?

10 A. No. Like I said, it was one of the big  
11 accounting firms, but I just don't recall which one.

12 MR. BAKER: Thank you for answering my  
13 questions. I appreciate it.

14 THE WITNESS: Thank you.

15 MR. PUGH: This is closed?

16 MR. BAKER: Of course it's closed.

17 MR. PUGH: I just want to state that the  
18 reason why I ask is are you reserving questions that  
19 need to be presented to the judge?

20 MR. BAKER: Oh, I mean, I might go to  
21 Pallmeyer later on and say, you know, Mr. Ward, after  
22 advice of the City and his counsel, declined to answer  
23 these, yes.

24 MR. PUGH: So then it's essentially open to

1 call Mr. Ward back. That's what I'm trying to figure  
2 out.

3 MR. BAKER: Yes, but as far as, like, today  
4 goes, outside of the judge ordering him to answer  
5 questions, I don't have anything else.

6 MS. BECKER: The City has no questions.

7 THE WITNESS: Do you have an opinion about  
8 whether I should waive or reserve?

9 MR. PUGH: You know what it means. Do you  
10 want to review it?

11 THE WITNESS: Actually, because you're  
12 keeping it open, I'll ask to review.

13 THE COURT REPORTER: Are you ordering?

14 MR. BAKER: Yes.

15 MS. BECKER: I'd like a copy, full.

16 THE COURT REPORTER: Do you need a copy?

17 MR. PUGH: I think the answer is no, unless  
18 you tell me otherwise.

19 MS. BECKER: Mini as well.

20 (Witness excused.)  
21  
22  
23  
24

1 UNITED STATES OF AMERICA )  
NORTHERN DISTRICT OF ILLINOIS)  
2 EASTERN DIVISION )  
STATE OF ILLINOIS )  
3 COUNTY OF COOK )

4 The within and foregoing deposition of  
5 the witness, TORRICK WARD, was taken before Christine  
6 Bechtold, C.S.R., Notary Public, in the City of  
7 Chicago, County of Cook and State of Illinois and  
8 there were present at the taking of said deposition  
9 counsel as previously set forth.

10 The said witness was first duly sworn and  
11 was then examined upon oral interrogatories. The  
12 questions and answers were taken down in shorthand by  
13 the undersigned and computer-transcribed under my  
14 personal direction.

15 The within and foregoing is a true,  
16 correct and complete record of all of the questions  
17 asked of and answers made by the said witness at the  
18 time and place hereinabove referred to.

19 The signature of the witness was not  
20 waived and the deposition was submitted to the  
21 deponent per copy of the attached letter. Pursuant to  
22 Rule 30(e) of the Rules of Civil Procedure of the  
23 United States District Courts, if the deponent does  
24 not appear to read and sign the deposition within 28

1 days or make other arrangements for reading and  
2 signing, the deposition may be used as fully as though  
3 signed, and this certificate will then evidence such  
4 failure to appear as the reason for signature being  
5 waived.

6 The undersigned is not interested in the  
7 within case, nor of kin or counsel to any of the  
8 parties.

9 Witness my official signature and seal as  
10 Notary Public, in and for Cook County, Illinois, on  
11 this 17th day of May, A.D., 2013.  
12  
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\_\_\_\_\_  
Christine Bechtold  
License No. 084-003575  
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## ERRATA SHEET

I hereby make the following changes to my deposition:

PAGE:	LINE:	CHANGE AND REASON
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TORRICK WARD

DATE

Correction Sheet Pages of